



INDIANA UTILITY REGULATORY COMMISSION
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IN THE MATTER OF THE COMPLAINT BY UNITED)
TELEPHONE COMPANY OF INDIANA, INC. D/B/A)
SPRINT AGAINST KANKAKEE VALLEY RURAL)
ELECTRIC MEMBERSHIP CORPORATION)
CONCERNING THE FAILURE AND REFUSAL OF)
KANKAKEE VALLEY RURAL ELECTRIC)
MEMBERSHIP CORPORATION TO NEGOTIATE)
REASONABLE COMPENSATION PERMITTING)
SPRINT TO USE POLES AND OTHER EQUIPMENT)
OWNED BY KANKAKEE LOCATED ON, OVER, OR)
UNDER VARIOUS STREETS AND HIGHWAYS)
RESPONDENT: KANKAKEE VALLEY RURAL)
ELECTRIC MEMBERSHIP CORPORATION)

FILED

DEC 20 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42755

You are hereby notified that on this date the Presiding Officer in this Cause makes the following Entry:

On November 24, 2004, United Telephone Company of Indiana, Inc. d/b/a Sprint ("Sprint") filed with the Indiana Utility Regulatory Commission ("Commission") the above-titled Complaint that initiated this Cause. On December 17, 2004, Kankakee Valley Rural Electric Membership Corporation ("KV REMC") filed its Motion for an Extension of Time ("Motion") seeking to extend the time to file its Answer to the Complaint to January 14, 2005, to establish a briefing schedule, and to cancel or continue the Prehearing Conference scheduled for December 21, 2004.

The Motion states that, pursuant to Commission rule, KV REMC's Answer to the Complaint is presumptively due December 17, 2004, and that KV REMC requires the requested extension "in order to prepare its responsive pleadings, including a motion to dismiss." The Motion also states that:

Counsel for KV REMC has contacted counsel for Complainant, the OUCC and the Intervenor, SBC, and advised this Motion for Extension of Time would be filed. These other parties have no objection to this motion. Further, all parties agree that the prehearing conference currently scheduled on December 21, 2004, should be canceled, that the presiding officer establish a briefing schedule and that a scheduling conference be scheduled if a further procedural conference is required.

Commission rule 170 IAC 1-1.1-10, among other things, provides that any answer to a complaint must be filed within twenty (20) days of service of the complaint unless a different time is prescribed by statute, the Commission, or the presiding officer.

Upon consideration of the Motion, KV REMC's request to extend the time in which it may file an Answer to the Complaint in this Cause is hereby granted. KV REMC should file any Answer to the Complaint on or before January 14, 2005. In addition, the Prehearing Conference scheduled in this Cause for December 21, 2004, is hereby vacated. A Prehearing Conference will be rescheduled upon written motion by any party. A party or parties making such motion should propose several alternate dates for a Prehearing Conference that are at least four (4) weeks in advance of when the motion is filed, to allow for Commission scheduling and for lawful republication of public notice. If a motion to reschedule the Prehearing Conference has not been filed by January 31, 2005, Sprint, on or before February 7, 2005, should file a status report in this Cause that advises as to its intention to pursue this Complaint.

It is unclear what relief KV REMC is seeking with respect to asking the Presiding Officer to establish a "briefing schedule." If KV REMC wishes to pursue this relief, it should elaborate on this request in another motion.

IT IS SO ORDERED.

William G. Divine
William G. Divine, Administrative Law Judge

12 - 20 - 04
Date